

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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**DAY'S INNS WORLDWIDE, INC.,**

Civ. No. 2:13-00584 (WJM)

**Plaintiff,**

**v.**

**SHIV PRIYA, INC., *et al.*,**

**ORDER**

**Defendants.**

**THIS MATTER** comes before the Court on Plaintiff's request to consider its motion for default judgment previously filed on June 7, 2013 as to Defendants Bharat Patel and Priyavanda Patel (the "Individual Defendants"). ECF No. 7. In its June 7, 2013 motion, Plaintiff requested that the Court enter a default judgment pursuant to Federal Rule of Civil Procedure 55(b)(2) against Shiv Priya, Inc. and the Individual Defendants. The Court granted Plaintiff's motion with respect to Shiv Priya, Inc. ECF No. 14. However, the Court found that the Individual Defendants lacked the requisite culpability for a default judgment at that time. ECF No. 14. The Court noted that if the Individual Defendants failed to plead or otherwise defend in the action by November 30, 2013, then it would be willing to consider entering a default judgment against them. ECF No. 14.

On October 17, 2013, the Individual Defendants filed a letter *pro se* answering Plaintiff's Complaint. ECF No. 15. Because the Individual Defendants have answered the Complaint, the Court will deny Plaintiff's motion for default judgment against them.

*See Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (holding that a document filed *pro se* should be liberally construed). Thus, for the foregoing reasons; and for good cause appearing;

**IT IS** on this 8<sup>th</sup> day of January 2014, hereby,

**ORDERED** that Plaintiff's motion for default judgment against the Individual Defendants is **DENIED**.

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/s/ William J. Martini  
**WILLIAM J. MARTINI, U.S.D.J.**